

National Marine Fisheries Service/NOAA, Commerce

§ 218.235

Name of area	Location of area	Months of importance
(xx) Northern Bay of Bengal and Head of Swatch-of-No-Ground.	20°59.735' N, 89°07.675' E; 20°55.494' N, 89°09.484' E; 20°52.883' N, 89°12.704' E; 20°55.275' N, 89°18.133' E; 21°04.558' N, 89°25.294' E; 21°12.655' N, 89°25.354' E; 21°13.279' N, 89°16.833' E; 21°06.347' N, 89°15.011' E.	Year-round.
(xxi) Olympic Coast NMS and Prairie, Barkley Canyon, and Nitnat Canyon.	Boundaries within 23 nm (26.5 m; 42.6 km) of the coast from 47°07' N to 48°30' N latitude. 48°30'01.995" N, 125°58'38.786" W; 48°16'55.605" N, 125°38'52.052" W; 48°23'07.353" N, 125°17'10.935" W; 48°12'38.241" N, 125°16'42.339" W; 47°58'20.361" N, 125°31'14.517" W; 47°58'20.361" N, 126°06'16.322" W; 48°09'46.665" N, 126°25'48.758" W.	Olympic NMS: December, January, March, and May, annually. The Prairie, Barkley Canyon, and Nitnat Canyon: June through September, annually.
(xxii) Abrolhos Bank	16°35'34.909" N, 126°52'30.455" W; 16°35'31.619" N, 126°43'41.069" W; 37°23'52.492" N, 126°40'00.131" W; 37°23'52.446" N, 126°30'59.069" W; 39°33'38.351" N, 126°30'59.974" W; 39°30'33.03" N, 126°20'24.752" W; 39°30'33.03" N, 126°18'52'16.884" W; 39°32'31.789" N, 126°18'45'09.937" W; 39°32'27.709" N, 126°18'30'59.345" W; 39°30'59.669" N, 126°18'27'28.985" W; 39°30'13.453" N, 126°18'17'30.429" W; 39°26'21.073" N, 126°18'07'43.518" W; 39°19'52.924" N, 126°18'09'24.931" W; 39°16'24.913" N, 126°18'10'04.585" W; 39°12'30.425" N, 126°18'10'20.682" W; 38°39'06.185" N, 126°18'08'50.404" W; 38°35'00.059" N, 126°18'06'05.466" W; 38°31'41.385" N, 126°18'02'09.399" W; 38°29'26.179" N, 126°17'58'01.372" W; 38°28'45.409" N, 126°17'53'58.883" W; 38°29'34.612" N, 126°16'48'58.768" W; 38°55'23.768" N, 126°16'43'15.682" W; 38°53'40.007" N, 126°16'43'15.682" W.	August through November, annually.

(g) *Operational Exception for the SURTASS LFA Sonar Sound Field.* During military operations SURTASS LFA sonar transmissions may exceed 180 dB re: 1 μ Pa (rms) within the boundaries of a SURTASS LFA sonar OBIA when: operationally necessary to continue tracking an existing underwater contact; or operationally necessary to detect a new underwater contact within the OBIA. This exception does not apply to routine training and testing with the SURTASS LFA sonar systems.

§ 218.235 Requirements for monitoring.

(a) The Holder of a Letter of Authorization issued pursuant to §§ 216.106 and 218.238 must:

(1) Conduct visual monitoring from the ship's bridge during daylight hours (30 minutes before sunrise until 30 minutes after sunset) during operations that employ SURTASS LFA sonar in

the active mode. The SURTASS vessels shall have lookouts to maintain a top-side watch with standard binoculars (7x) and with the naked eye.

(2) Use low frequency passive SURTASS sonar to listen for vocalizing marine mammals; and

(3) Use the HF/M3 active sonar to locate and track marine mammals in relation to the SURTASS LFA sonar vessel and the sound field produced by the SURTASS LFA sonar source array, subject to the ramp-up requirements in § 216.234(e).

(b) Monitoring under paragraph (a) of this section must:

(1) Commence at least 30 minutes before the first SURTASS LFA sonar transmission;

(2) Continue between transmission pings; and

(3) Continue either for at least 15 minutes after completion of the

§218.236

50 CFR Ch. II (10–1–13 Edition)

SURTASS LFA sonar transmission exercise or, if marine mammals are exhibiting unusual changes in behavioral patterns, for a period of time until behavior patterns return to normal or conditions prevent continued observations.

(c) Holders of Letters of Authorization for activities described in §218.230 are required to cooperate with the National Marine Fisheries Service and any other federal agency for monitoring the impacts of the activity on marine mammals.

(d) Holders of Letters of Authorization must designate qualified on-site individuals to conduct the mitigation, monitoring and reporting activities specified in the Letter of Authorization.

(e) Holders of Letters of Authorization will continue to assess data from the Marine Mammal Monitoring Program and work toward making some portion of that data, after appropriate security reviews, available to scientists with appropriate clearances. Any portions of the analyses conducted by these scientists based on these data that are determined to be unclassified after appropriate security reviews will be made publically available.

(f) Holders of Letters of Authorization will continue to explore the feasibility of coordinating with other fleet assets and/or range monitoring programs to include the use of SURTASS towed horizontal line arrays to augment the collection of marine mammal vocalizations before, during, and after designated exercises.

(g) Holders of Letters of Authorization will collect ambient noise data and will explore the feasibility of declassifying and archiving the ambient noise data for incorporation into appropriate ocean noise budget efforts.

(h) Holders of Letters of Authorization will convene a Scientific Advisory Group (SAG) to analyze different types of monitoring/research that could increase the understanding of the potential effects of low-frequency active sonar transmissions on beaked whales and/or harbor porpoises.

(i) Holders of Letters of Authorization must conduct all monitoring required under the Letter of Authorization.

§218.236 Requirements for reporting.

(a) The Holder of the Letter of Authorization must submit classified and unclassified quarterly mission reports to the Director, Office of Protected Resources, NMFS, no later than 30 days after the end of each quarter beginning on the date of effectiveness of a Letter of Authorization or as specified in the appropriate Letter of Authorization. Each quarterly mission report will include all active-mode missions completed during that quarter. At a minimum, each classified mission report must contain the following information:

(1) Dates, times, and location of each vessel during each mission;

(2) Information on sonar transmissions during each mission;

(3) Results of the marine mammal monitoring program specified in the Letter of Authorization; and

(4) Estimates of the percentages of marine mammal species and stocks affected (both for the quarter and cumulatively for the year) covered by the Letter of Authorization.

(b) The Holder of a Letter of Authorization must submit an unclassified annual report to the Director, Office of Protected Resources, NMFS, no later than 45 days after the expiration of a Letter of Authorization. The reports must contain all the information required by the Letter of Authorization.

(c) A final comprehensive report must be submitted to the Director, Office of Protected Resources, NMFS, at least 240 days prior to expiration of these regulations. In addition to containing all the information required by any final year Letter of Authorization, this report must contain an unclassified analysis of new passive sonar technologies and an assessment of whether such a system is feasible as an alternative to SURTASS LFA sonar.

(d) The Navy will continue to assess the data collected by its undersea arrays and work toward making some portion of that data, after appropriate security reviews, available to scientists with appropriate clearances. Any portions of the analyses conducted by these scientists based on these data that are determined to be unclassified after appropriate security reviews will be made publically available. The Navy